

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	Case No. 08 CR 49
Plaintiff,)	
)	Judge Norgle
vs.)	
)	
MARK KOZIK AND HEIDI KUNZ)	
)	
Defendants.)	

**EXHIBITS TO
GOVERNMENT'S RESPONSE TO KUNZ'S
MOTION TO QUASH ARREST AND SUPPRESS STATEMENTS**

Now comes the UNITED STATES by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, and respectfully submits the following Exhibits to Government's Response to Kunz's Motion To Quash Arrest and Suppress Statements:

EXHIBIT A	Fox Lake Police Dispatch Print-out
EXHIBIT B	Fox Lake Police Written Miranda Advisory & Waiver, signed by Kunz, dated September 26, 2007 at 8:45 p.m.
EXHIBIT C	Fox Lake Police Written Consent to Search, signed by Kunz, dated September 26, 2007 at 9:00 p.m.
EXHIBIT D	Diagram by Kunz, dated September 26, 2007 at 10:30 p.m.
EXHIBIT E	Written confession by Kunz, dated September 26, 2007 at 11:25 p.m.
EXHIBIT F	Lake County Sheriff Consent to Search, signed by Kunz, dated September 26, 2007 at 2:00 p.m.
EXHIBIT G	McHenry Police Miranda Advisory, signed by Kunz, dated September 27, 2007 at 4:45 p.m.

EXHIBIT H	Video of Kunz's oral confession, made on September 27, 2007, and submitted to this Court on July 9, 2008
EXHIBIT I	McHenry Police Consent to Search, signed by Kunz, September 27, 2007 at 7:56 p.m.
EXHIBIT J	Lake County Sheriff Statement of Constitutional Rights and Waiver, signed by Kunz, October 2, 2007 at 11:00 a.m.
EXHIBIT K	Lake County Sheriff Consent to Search For Bodily Samples, signed by Kunz, October 2, 2007 at 11:06 a.m.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: S/ Sheri H. Mecklenburg
Sheri H. Mecklenburg
Assistant United States Attorney
219 South Dearborn Street
Chicago, Illinois 60604
(312) 469-6030

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the **EXHIBITS TO GOVERNMENT'S RESPONSE TO KUNZ'S MOTION TO QUASH ARREST AND SUPPRESS STATEMENTS** was served on July 29, 2008, in accordance with Fed. R. Crim. P. 49 and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

s/ Sheri H. Mecklenburg
Sheri H. Mecklenburg
Assistant United States Attorney
219 S. Dearborn Street
Chicago, Illinois 60604
(312) 469-6030

Exhibit A

Notes for DTL-SPECIAL DETAIL at 201 S R59-FL

Backup officer: OSTERTAG, MICHAEL
Backup officer: KOYNE, JOHN NORRIS, JEFFREY
Backup officer: DALY, TERRENCE BALDOWSKY, JASON
Primary officer: MARTIN, JOSEPH
Date closed: 09/27/07
Time closed: 05:11:31
Disposition 1: 9 ADMINISTRATIVE CASE CLOSED
Disposition 2: 9037 ASSIST - BACKUP
Timer reset to 60 minutes on unit 6706 at 17:12:16 (TLR)
1 7410 BARRY AVE (TLR)
IN MCSO (TLR)
MCSO WAS NOTI (TLR)
Timer reset to 60 minutes on unit 6706 at 18:13:32 (JND)
Unit 6706 current location: 76 7410 BARRY AVE (JND)
Unit 6703 current location: 76 7410 BARRY AVE (JND)
Timer reset to 999 minutes on unit 6706 at 19:13:50 (JND)
WINDSOR AVE.... (JND)
Unit 6706 current location: (JND)
Unit 6706 current location: P1 (JND)

17:12:16
17:12:29
17:12:34
17:12:44
18:13:32
18:13:39
18:13:48
19:13:50
19:29:10
19:29:36
19:29:39

'RETURN' FOR MORE LINES. 'X' TO EXIT: _

* 19:29 - 6706 (MARTIN) P1 which is Fox Lake P1.

Incident

Notes for DTL-SPECIAL DETAIL at 301 S R59-FL

Unit 6703 current location: F (JND)	19:29:56
Unit 6706 current location: (JND)	20:07:23
Unit 6703 current location: (JND)	20:07:29
Unit 6703 current location: STATION 4 (JND)	20:25:49
Unit 6706 current location: STATION 4 (JND)	20:25:49
Unit 6723 current location: 76 7410 BARRY AVE (JND)	20:41:32
Unit 6783 current location: 76 7410 BARRY AVE (JND)	20:41:32
Unit 6794 current location: 76 7410 BARRY AVE (JND)	20:41:32
Unit 6703 current location: 76 7410 BARRY AVE (JND)	20:41:32
Unit 6706 current location: 76 7410 BARRY AVE (JND)	20:41:32
Timer reset to 4 minutes on unit 6706 at 20:49:25 (JND)	20:49:25
Unit 6703 current location: 7410 BARRY AVE-MC (JND)	20:49:50
Unit 6706 current location: 7410 BARRY AVE-MC (JND)	20:49:50
Unit 6723 current location: 7410 BARRY AVE-MC (JND)	20:49:50
Unit 6783 current location: 7410 BARRY AVE-MC (JND)	20:49:50
Unit 6794 current location: 7410 BARRY AVE-MC (JND)	20:49:50
Timer reset to 4 minutes on unit 6706 at 20:54:23 (JND)	20:54:23
Timer reset to 30 minutes on unit 6706 at 21:00:14 (JND)	21:00:14
RESET FOR 30 MINS PER 6794 (JND)	21:00:19
Unit 6783 current location: 11-01 W/1 MALE (JND)	21:01:57
'RETURN' FOR MORE LINES, 'X' TO EXIT, 'T' FOR TOP: _	

Notes for DTL-SPECIAL DETAIL at 301 S R59-FL

Unit 6783 current location: POST 1 (JWD)	21:12:46
SUBJECT IS IN INTERVIEW 1 (JWD)	21:18:11
----- CIC message appended by JWD -----	21:19:24
CIC MESSAGE NUMBER 21748250 09/26/07	21:19:24
MGR M/00000003207	21:19:24
SOS 09262007 2121	21:19:24
DL/IF STA/REVOKED	21:19:24
TDL/TIP STA/SEE ILOLNHELP	21:19:24
CDL/CIP STA/SEE ILOLNHELP	21:19:24
SCHLBS STA/NOT A SCHOOL BUS DRIVER (SEE ILOLNHELP)	21:19:24
ROXIA MARK C	21:19:24
33063 N VALLEY VIEW GRAYSLAKE 60030	21:19:24
SEX/M DOB/02171975 HGT/5'09" WGT/150 HAI/BLN EYE/HAZ	21:19:24
OLN/K220-5437-5079 OLC/D* OLT/ORIG EXP/03172007 ISS/05022003	21:19:24
RES-PID CLASS/NONE	21:19:24
4 STOPS IN EFFECT	21:19:24
NO CONV LAST 12 MO	21:19:24
SUSP 08202006 I 138-55(B)	21:19:24
REVO 04212006 I 6-205A2	21:19:24
'RETURN' FOR MORE LINES, 'X' TO EXIT, 'T' FOR TOP: _	

Notes for DTL-SPECIAL DETAIL at 301 S R59-FL

REVO 03162006 I 6-205A2	21:19:24
SUSP 05262005 I 21-501.1	21:19:24
DIGITAL ISSUE	21:19:24
END	21:19:24
QUERY RUN BY PORT 754	21:19:24
----- End of CIC message -----	21:19:24
Timer reset to 60 minutes on unit 6723 at 21:31:22 (JND)	21:31:22
Timer reset to 30 minutes on unit 6706 at 21:31:25 (JND)	21:31:25
REQUEST FOR TOW TRUCK (JND)	21:47:22
FOX TOWING (JND)	21:47:33
FOX TOWING (JND)	21:50:39
STATE PARK TO MAIN LEFT ON WINDSOR FIRST RIGHT AND IMMEDIATE (JND)	21:51:13
LEFT (JND)	21:51:13
TWR (JND)	21:51:33
TOW IS ENROUTE (JND)	21:51:39
Unit 6723 current location: 11-01 SM/25.8 (JND)	21:52:35
*Report Number 2007-10050 Assigned (JND)	21:58:21
Timer reset to 30 minutes on unit 6706 at 21:58:42 (JND)	21:58:42
Unit 6723 current location: SM/30.9 (JND)	22:02:07
Unit 6723 current location: P1 (JND)	22:07:44

'RETURN' FOR MORE LINES, 'X' TO EXIT, 'T' FOR TOP: _

Notes for DTL-SPECIAL DETAIL at 301 S R59-FL

Unit 6794 current location: 76 P1 (JND)	22:21:45
Timer reset to 30 minutes on unit 6706 at 22:21:49 (JND)	22:21:49
Unit 6703 current location: P1 (JND)	22:21:54
Unit 6706 current location: P1 (JND)	22:21:54
Unit 6706 current location: L 071577 (JND)	22:30:39
HEIDI (JND)	22:30:53
Unit 6706 current location: P1 (JND)	22:33:46
----- CIC message appended by JND -----	22:39:02
CIC MESSAGE NUMBER 21749573 09/26/07	22:39:02
	22:39:02
MSG M/0000003435	22:39:02
SOS 09262007 2240	22:39:02
DL/IP STA/EXPIRED	22:39:02
TDL/TIP STA/SEE ILOLNHELP	22:39:02
CDL/CIP STA/SEE ILOLNHELP	22:39:02
SCHLBS STA/NOT A SCHOOL BUS DRIVER (SEE ILOLNHELP)	22:39:02
KUNZ HEIDI LOUISE	22:39:02
7410 BARRY AVE SPRING GROVE 60081	22:39:02
SEX/F DOB/07151977 HGT/5'02" WGT/185 HAIR/BRO EYE/GRN	22:39:02
OLN/K520-3327-7801 OLC/D* OLT/ORIG EXP/07152007 ISS/06032003	22:39:02
'RETURN' FOR MORE LINES, 'X' TO EXIT, 'T' FOR TOP: _	

Notes for DTL-SPECIAL DETAIL at 201 S 258-9L

RES-PID CLASS/CORRECTIVE LENSES
NO STOPS IN EFFECT
NO CONV LAST 12 MO
DIGITAL ISSUE

22:39:02

22:39:02

22:39:02

22:39:02

22:39:02

22:39:02

QUERY RUN BY PORT 754

----- End of CIC message -----

22:39:02

----- CIC message appended by JND -----

22:40:21

CIC MESSAGE NUMBER 21749584 09/26/07

22:40:21

22:40:21

N6Q M/0000003438

22:40:21

07.269 22.42.54

22:40:21

RES-PID03 NO RECORD NAME KUNZ, HEIDI L

22:40:21

QUERY RUN BY PORT 755

22:40:21

----- End of CIC message -----

22:40:21

----- CIC message appended by JND -----

22:40:34

CIC MESSAGE NUMBER 21749527 09/26/07

22:40:34

22:40:34

N6Q M/0000003425

22:40:34

07.269 22.34.41

22:40:34

'RETURN' FOR MORE LINES, 'X' TO EXIT, 'T' FOR TOP: _

Exhibit B

Report Number: 07-10850

Fox Lake Police Department

Miranda Warning

1. You have the right to remain silent. _____
2. Anything you say can, and will, be used against you in a court of law. _____
3. You have the right to talk to, and consult with a lawyer prior to any questioning, and have a lawyer present with you while you are being questioned. _____
4. If you decide to answer questions now, without a lawyer present, you still have the right to stop answering, at any time, until you talk to a lawyer. _____
5. If you are unable to afford a lawyer, the court will appoint one for you. _____

IF YOU ARE A JUVENILE

6. As a juvenile, you may consult with your parents or legal guardian before any questioning begins and you may also have them present during any questioning if you so desire. _____
7. As a juvenile, you must also be aware that anything you say can, and will, be used against you in subsequent criminal proceedings if the case is transferred to adult court, after the appropriate hearing in juvenile court. _____

ACKNOWLEDGEMENT AND WAIVER OF RIGHTS

The above statement of my rights has been read and explained to me and I fully understand what my rights are. I am ready and willing to answer questions or to make a statement without first consulting with a lawyer or without having a lawyer present during questioning.

In waiving my right to remain silent, I wish to state that no promises or threats have been made to me and no persuasion or coercion has been used against me.

Signed: X. [Signature]Date: 09/26/07Witness: OFC. Michael Olt #197Time: 8:45 PMWitness: [Signature] 209Location: 7410 Barry AveSpring Lake IL 60050

Exhibit C

Fox Lake Police Department

Permission to Search

I, HEIDI KOZIK, have been informed by

DET Martin and OFF OSTROM

who made proper identification as (an) authorized law enforcement officer(s) of

the Fox Lake Police Dept

of my CONSTITUTIONAL RIGHT not to have a search made of the premises and property owned by me and/or under my care, custody and control, without a search warrant. Knowing of my lawful right to refuse to consent to such a search, I willingly give my permission to the above named officer(s) to conduct a complete search of the premises and property, including all buildings and vehicles, both inside and outside of the property located at 7410 BARRY AVE Spring Grove Il.

The above said officer(s) further have my permission to take from my premises and property, any letters, papers, materials or any other property or things which they desire as evidence for criminal prosecution in the case or cases under investigation.

This written permission to search without a search warrant is given by me to the above officer(s) voluntarily and without any threats or promises of any kind, at 9:00 P.M.

On this 26th day of Sept 2007, at 9:00 PM.

Signed

Heidi Kozik

Witness OFF. MULLOTT #197

Witness DET J. 209

Address FOX LAKE POLICE DEPT.

Address FOX LAKE PD

Phone 847-587-3100

Phone 587-3100

Report # 07-10050

Exhibit D

07-10050

September 26, 2007 10:30 AM.

Diagram Made By Heidi Kunz

Of Fox Lake National City Bank.

666 E Grand Ave Fox Lake IL

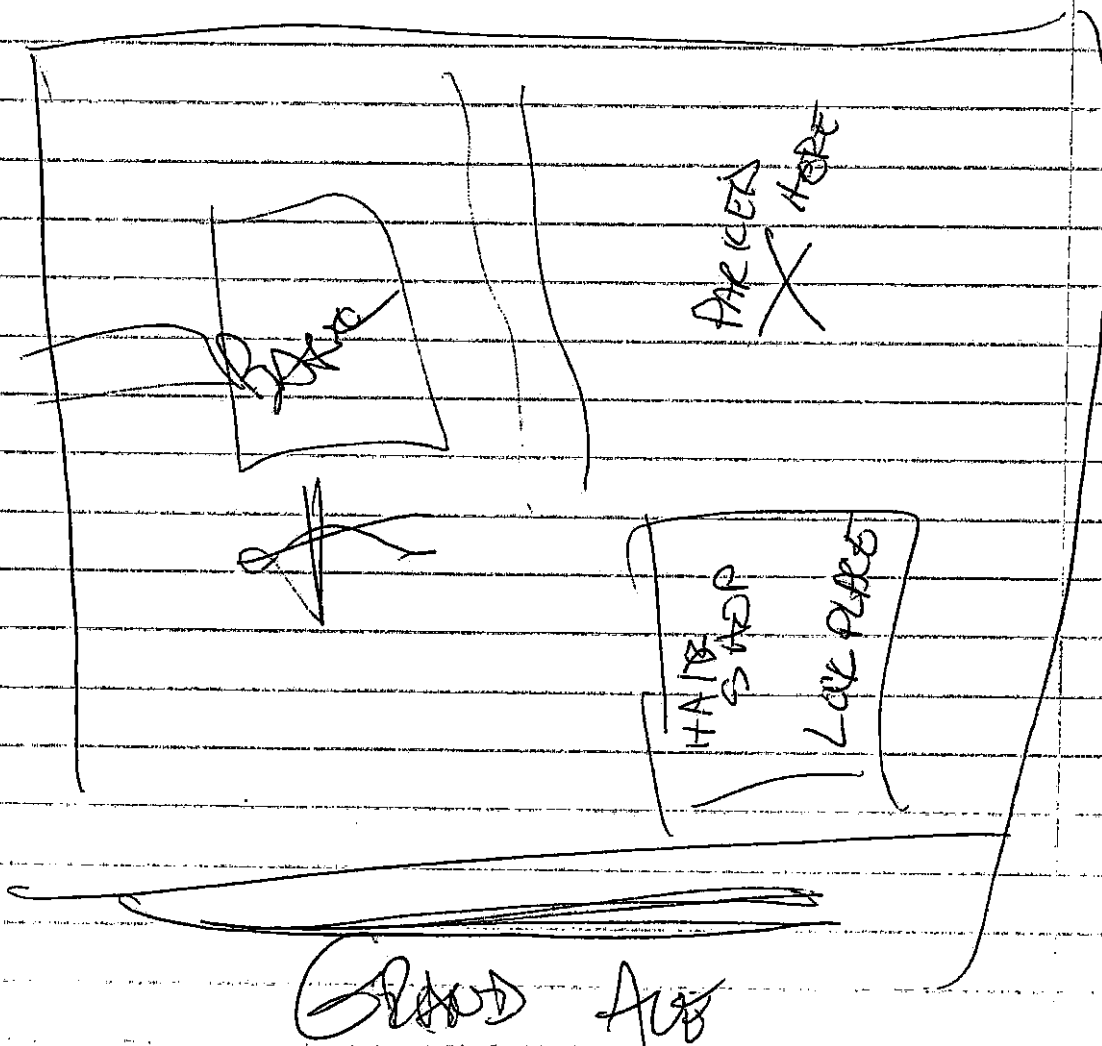
(Location of where she parked her vehicle
During The Robbery)

Exhibit E

09/26/07

Heidi kunz-kozik
7410 barry ave
spring grove, il 60081

on September 26, 2007 @ 1125 pm @ fox lake police department

I heidi louise kunz-kozik am writing the statement of my own free will.

On Monday august 6th 2007 he requested that I drive to several banks to check the layouts of them. We drove to two banks on grand ave first American. And the other is the bank next door to las palmas, (where I gave my phone number and first name along with my sister in laws maiden name to the woman I spoke with)..her name was toni and the final bank was national city in fox lake where I spoke with Sandra, and came back a few hours later after she had gotten off work for the day and asked another teller for her (sandra's) business card

On august 7th 2007,

In the morning he kept badgering me to drive him to a bank so that he could rob it and I repeatedly told him no until I got to the point that I couldn't handle it anymore and just gave in.

in the afternoon, I drove my husband mark c kozik and I parked behind the locksmith and hair shop next door to the fox lake branch of the national city bank. Drove my vehicle a silver four door 1995 grand prix, license plate # 667 9743

My husband mark c kozik got out of the vehicle and put on the wig and walked into the bank, he came out several minutes later and entered the rear passenger side and told me to drive.

When we got to his mothers house the grayslake police were sitting in the parking lot of the first Midwest bank and asked if we had any idea about a woman robbing a bank in fox lake.

I heidi louise kunz-kozik drove home to 7410 barry ave. and we got out of the car. He changed clothes and tossed the bag into the second bedroom upon entering the house and we left and drove to his mothers apartment in grayslake il. From there we drove home (7410 barry) and he dumped the bag out that had the money and gun inside it as I packed a couple of suitcases as we were supposed to go on our honeymoon in a few days. We left earlier than planned and came home a couple days later.

He stated that it was about 1200\$, that we took to the dells and paid for the hotel room for a few nights.

As of today September 26, 2007 I have no idea where the wig is that he used.

Heidi Kozik

Det. J. 209
OFC. Michael #197

6/19/26/07

Officer Martin showed me two pictures and I could only positively id one as being of my husband Mark C. Kozik. As the person who robbed spring grove tcf bank.

Signed Mark C. Kozik

Witness Det. [Signature] 209

Witness Off. [Signature] #197

Exhibit F



OFFICE OF THE SHERIFF

Lake County, Illinois

GARY DEL RE
SHERIFF25 S. Martin Luther King, Jr. Ave.
Waukegan, Illinois 60085
Phone: (847) 377-4000
Fax: (847) 360-5796

CONSENT TO SEARCH

EMERGENCY
DIAL 911

DIVISIONS

DATE: 27 day of SEPT, 2007Civil Process
(847) 377-4400Communications
(847) 549-5200Court Security
(847) 377-4911Criminal
Investigations
(847) 377-4250Emergency
Management
Agency
(847) 377-7100Highway Patrol
(847) 377-7020Jail
(847) 377-4112Marine Unit
(847) 587-4471Records
(847) 377-4200Training/
Community
Service
(847) 377-4350Warrants
(847) 377-4300Work Release Unit
(847) 377-4450

I, HEIDI KOZIK, having been informed of my
Constitutional Right not to have a Search made of the Residence ~~the~~ Residence,
hereinafter mentioned without a Search Warrant, and of my right to refuse to consent to
such a search hereby authorize DET. MARTIN, DET. ADAMS, DET. KRENSIG, SITTIG
(Names of the Officers) FELIX, MINTZ

of the Lake County Sheriff's Police to conduct a complete search of my premises located
at 7410 Barry Ln Spring Grove IL 60081
Residence
-auto described as White 1 Story Residential Home w/ Blue Shutters

These Officers are authorized by me to take from my Residence any
letters, papers, materials, or other property that they desire.

This written permission is being given by me to the above-named Officers voluntarily and
without threats or promises of any kind.

SIGNED:

Heidi Kozik

WITNESSES:

[Signature] 209 FOX LAKE

Signed at 7410 Barry Ln
Spring Grove IL 60081
at 2:00 o'clock P M

"SERVING THE PEOPLE OF LAKE COUNTY WITH PRIDE"

FOX LAKE Case # 07-10050

Exhibit G

CITY OF McHENRY POLICE DEPARTMENT**MIRANDA WARNINGS****STATEMENT OF MIRANDA RIGHTS**DATE 9-27, 2007 TIME 4:45 PMFor FILE
CASE NUMBER 07-10050INCIDENT Multiple Robbery Inv. INTERVIEW LOCATION FOL LAKE P.D.

1. You have the right to remain silent.



2. Anything you say can and will be used against you in court.



3. You have the right to talk to a lawyer and have him present with you while you are being questioned.



4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish one.



5. You can decide at any time to exercise these rights and not answer any questions or make any statements.

WAIVER OF MIRANDA RIGHTS

I, Hadi Kozik, have read the above statement of my rights, understand each of those rights, and having these rights in mind, I waive them and willingly make a statement.

SIGNATURE X

Hadi Kozik

WITNESS:

Wally Moniz

Parent if minor giving waiver: _____ Relationship: _____

AUDIO/VIDEO RECORDING CONSENT

I hereby grant my permission that this interview be audio and visually recorded by the City of McHenry Police Department.

SIGNATURE X

Hadi Kozik

WITNESS:

Wally Moniz

EXHIBIT H

Video of Kunz's oral confession, made on September 27, 2007, and
submitted to this Court on July 9, 2008

Exhibit I

CITY OF McHENRY POLICE DEPARTMENT

SEARCH WAIVER

For LAIR.

CONSENT TO SEARCH

Case Number 07-10058

I, Hendi Kunz, hereby grant my consent to officers of the City of McHenry Police Department and other law enforcement officers assisting to search the following: LAKE CO, Spring Grove, Antioch, Crystal Lake.

☐ Vehicle, described as a:

_____ Color; _____ Year; _____ Make; _____ Body Style;

Bearing _____ License Number for the state of _____

Vehicle Identification Number _____

Including any part, compartment, or trunk of the vehicle and the contents of any object or container found therein.

☒ Apartment/House located at: 7410 BARNY AVE

Spring Grove IL
Including: Out Structures - Specifically to recover latex gloves
Carhartt Jacket, hoodie sweatshirt. ^{Pink} Latex gloves

☐ Place of business known as _____

located at: _____

Including: _____

I understand that I have the right to refuse to consent to the search described above and refuse to sign this form.

I further state that no promises, threats, force, or physical or mental coercion of any kind whatsoever have been used to cause me to consent to the search described above or sign this form.

Date: 9.27. Time: 7:56 Signature: X Hendi Kunz

Witnesses: [Signature] Moller 7/16

Exhibit J



07-7028

MARK C. CURRAN, JR.

SHERIFF

CHARLES E. FAGAN

UNDERSHERIFF

OFFICE OF THE SHERIFF

Lake County, Illinois

25 S. Martin Luther King Jr. Ave.

Waukegan, Illinois 60085

Phone: (847) 377-4000

Fax: (847) 360-5796

STATEMENT OF CONSTITUTIONAL RIGHTS AND WAIVER

Before we ask you any questions, it is my duty to advise you of your rights:

- H-1. You have the right to remain silent
- H-2. Anything you say can be used against you in court of law
- H-3. You have the right to talk to a lawyer for advice before we ask you any questions, and to have him/her with you during questioning.
- H-4. If you decide to answer questions now without a lawyer present, you still have the right to stop answering at any time, until you talk to a lawyer.
- H-5. If you are unable to afford a lawyer, the court will appoint one for you

IF YOU ARE A JUVENILE

6. As a juvenile, you may consult with your parents or legal guardian before any questioning begins, and you may also have them present during any questioning if you so desire.
7. As a juvenile, you must also be aware that anything you say can and will be used against you in subsequent criminal proceedings if the case is transferred to adult court, after the appropriate hearing in Juvenile Court.

ACKNOWLEDGMENT AND WAIVER OF RIGHTS

The above statement of my rights had been read and explained to me and I fully understand what my rights are. I am ready and willing to answer questions or to make a statement without first consulting with a lawyer or without having a lawyer present during questioning.

In waiving my right to remain silent, I wish to state that no promises or threats have been made to me and no persuasion or coercion has been used against me.

XX Randi KozikDate: 10-02-07Witness: Det. [Signature] 289Time: 11:00 AMWitness: [Signature]

Location: _____

"SERVING THE PEOPLE OF LAKE COUNTY WITH PRIDE"

Exhibit K

**OFFICE OF THE SHERIFF**

Lake County, Illinois

25 S. Martin Luther King, Jr. Ave.

Waukegan, Illinois 60085

Phone: (847) 377-4000

Fax: (847) 360-5796

07-7028

**CONSENT TO SEARCH
FOR BODILY SAMPLES****EMERGENCY
DIAL 911****DIVISIONS**Civil Process
(847) 377-4400Communications
(847) 549-5200Court Security
(847) 377-4911Criminal
Investigations
(847) 377-4250Emergency
Management
Agency
(847) 377-7100Highway Patrol
(847) 377-7020Jail
(847) 377-4112Marine Unit
(847) 587-4471Records
(847) 377-4200Training/
Community
Service
(847) 377-4350Warrants
(847) 377-4300Work Release
(847) 377-4450DATE: 02 day of OCT, 2007.

I, HEIDI KOZIK (KUNZ), having been informed of my
Constitutional Right not to have a Search made of my person hereinafter mentioned
without a Search Warrant, and of my right to refuse to consent to such a search hereby
authorize Officer Sittig

(Names of the Officers)

of the Lake County Sheriff's Police to conduct a complete search of my person located at
Lake Co. Sheriff's Office

These Officers are authorized by me to take from my person the following bodily
samples: head hair, pubic hair, saliva blood, and fingernail scrapings.

This written permission is being given by me to the above-named Officers voluntarily and
without threats or promises of any kind.

SIGNED:

Heidi Kozik

WITNESSES:

Det. [Signature] 789

Signed at 25 S. MLK JR. AVE.
WAUKEGAN, IL
at 1106 o'clock A M